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Message Text

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47
ACTION EUR-12

INFO OCT-01 ISO-00 AGR-05 AID-05 CEA-01 CIAE-00 COME-00

EB-07 FRB-03 INR-07 NSAE-00 CIEP-01 SP-02 STRE-00

TRSE-00 LAB-04 SIL-01 SAM-01 OMB-01 L-03 TAR-01 /055 W
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R 031534Z NOV 75
FM USMISSION EC BRUSSELS
TO SECSTATE WASHDC 9878

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PASS AGRICULTURE

E.O. 11652: N/A
TAGS: ETRD, EEC, EAGR
SUBJECT: ADMINISTRATION OF EC EXPORT RESTITUTIONS FOR CHEESE

REF: A) A-5629
B) STATE 201060
C) EC BRUSSELS 6767
D) HOLMES (USEC)/MCCARTHY (RPE) TELCON, JUNE 9, 1975

1. OFFICIALS OF THE EC COMMISSION, NOTING THAT THE US HAS NOW (REFS A AND B) ISSUED THE REGULATIONS IMPLEMENTING EXECUTIVE ORDER 11851 CONCERNING TRANSSHIPMENTS OF EC CHEESES INTO THE US, HAVE ASKED HOW THE US WOULD VIEW TWO EC ACTIONS:

A) SEPARATION OF PUERTO RICO FROM ZONE E (THE US) FOR THE PURPOSES OF EXPORT RESTITUTIONS AND THE SETTING OF DIFFERENT (AND PROBABLY HIGHER) RESTITUTIONS ON EXPORTS OF EC CHEESE TO PUERTO RICO.

B) ABANDONMENT OF THE SYSTEM OF CONTROL ESTABLISHED IN ARTICLE 11 OF EEC REG. 192/75 OF JAN. 17, 1975, WHEREBY ONLY THE LOWEST RATE OF RESTITUTION IS PAYABLE ON PROOF OF EXPORT FROM THE EC. IN THE CASE OF CHEESE THIS USUALLY MEANS THAT THE RATE APPLICABLE TO THE US--ZERO OR A RELATIVELY LOW AMOUNT--IS PAID. ASSUMING THAT A HIGHER REFUND IS APPLICABLE FOR

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SHIPMENTS TO A THIRD COUNTRY, THE DIFFERENCE IS PAYABLE

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ONLY UPON PROOF OF ARRIVAL IN THAT COUNTRY. THE TIME LAG, COMMISSION OFFICIALS SAY, IS FREQUENTLY SUBSTANTIAL.

2. WE RESPONDED, REGARDING POINT B, THAT WE DID NOT SEE HOW THE US REGULATIONS REGARDING TRANSSHIPMENT DEALT FULLY WITH THE POTENTIAL PROBLEM OF FRAUDULENT DIVERSION OF EXPORTS TO THE US EXCEPT WHEN TRANSSHIPMENT IS THROUGH ANOTHER COUNTRY. NOR DID WE SEE THAT THE FURTHER REGULATIONS (ISSUED IN THE FEDERAL REGISTER OF SEPT. 25, 1975), REGARDING STATEMENT OF THE CODE NUMBER AND AMOUNT OF RESTITUTION PAID, COMPLETELY ANSWERED THE PROBLEM. A KEY ELEMENT WOULD SEEM TO BE THE DEGREE OF POST-CHECKING DONE IF THE COMMUNITY WERE TO REVERT TO THE PRE-1975 SYSTEM OF FULL PAYMENT OF RESTITUTIONS ON SHIPMENT.

3. OUR COMMISSION INTERLOCUTORS SAID THEY WOULD LOOK INTO THIS LAST POINT. THEY REQUESTED THAT, IN THE MEANTIME, THIS CONVERSATION BE REPORTED SO THAT WASHINGTON AGENCIES CAN BEGIN CONSIDERING THE TWO POINTS THEY RAISED. GREENWALD

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